HONOURABLE SMT.JUSTICE T.MEENA KUMARI

&

HONOURABLE SRI JUSTICE P.LAKSHMANA REDDY.

WRIT APPEAL NO: 239 OF 2000

Dated : 01-08-2005

Between

The Chairman, Visakhapatnam and another

…Appellants

And

G.Rama Murthy and another

… Respondents

HONOURABLE SMT.JUSTICE T.MEENA KUMARI

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JUDGMENT (Per the Honourable Smt. Justice T.Meena Kumari.)

This writ appeal is filed by the appellants aggrieved by the order of the learned single Judge in W.P.No:1498 of 1990, dated 16.12.1999, under which the learned single Judge allowed the writ petition with the observations as indicated therein

The 1st respondent is the writ petitioner. He filed the writ petition seeking to declare the action of the appellants in not considering his claim for promotion as Assistant Engineer as arbitrary and to direct the appellants to consider his claim for promotion as Assistant Engineer.

The learned single Judge having observed that the case of the 1st

respondent was overlooked, directed the appellants to consider the case of the 1st respondent for promotion to the post of Assistant Engineer in a supernumerary post without disturbing the promotion already made. Having aggrieved by the same, the present appeal is preferred by the appellants.

Heard the learned counsel.

We have perused the material available on record and the order impugned.

The learned Standing Counsel has expressed his innocence as to the position of the promotions as on today.

In the facts and circumstances of the case and in view of the fact that the learned Standing Counsel is not in a position to elicit the situation as to the promotions as on today, without expressing any opinion on the merits of the case, We deem it fit to modify the order of the learned single Judge to the effect that there shall be a direction to the appellants to consider the case of the 1st respondent for promotion to the post of Assistant Engineer in the last vacancy that arose, instead of creating a supernumerary post.

Subject to the above modification, this writ appeal is disposed of.

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(T.MEENAKUMARI, J)

1st August, 2005

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(P.LAKSHMANA REDDY, J)

Gurc/RKK.

HONOURABLE SMT. JUSTICE T.MEENAKUMARI

&

HONOURABLE SRI JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL No:239 of 2000

(judgment delivered by Smt.Justice T.MeenaKumari)

1st August, 2005